THE BOMBAY LAND REQUISITION ACT, 1948 (BOM. XXXIII OF 1948).

G. N., R. D., No. Misc. 9293, dated 24th May 1949 (B. G., Pt. IV-B, p. 1091-A).

Amended by G. N., R. D., No. Misc. 36469-P, dated 23rd March 1950.

S. 19 Bombay Land Requisition (Determination (of Compensation) Rules, 1949.

In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to make the following rules, namely :—

1. These rules may be called the Bombay Land Requisition (Determination of Compensation) Rules, 1949.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Bombay Land Requisition Act, 1948 ;

(*b*) " Compensation Officer " means an officer authorized by the State Government in respect of any area for the purposes of sub-section (*1*) of section 8 or sub-section (*2*) of section 9 of the Act.

3. When any land is requisitioned or is continued to be subject to requisition under the Act, or when upon release from requisition the land has been deteriorated due to causes other than reasonable wear and tear or irresistible force, any person having an interest in such land may make an application to the Compensation Officer in Form A hereto annexed for claiming compensation in respect of such land.

4. (1) The Compensation Officer shall, on receipt of an application under rule 3, scrutinize the claim in detail and if having regard to the facts set out in the application and the provisions of the Act, he is of opinion that the claim made out in the application is reasonable and may be accepted, he may make an order accordingly subject to the condition that the applicant executes an agreement in Form B hereto annexed.

(2) If the Compensation Officer is of opinion that the claim made out in the application is not reasonable, he shall fix the date, time and place for inquiring into the claim and shall give notice of the same to the applicant with an intimation to produce any documentary or other evidence in support of his claim.

(3) After hearing the applicant, and after taking into consideration the evidence, if any, produced by the applicant the Compensation Officer shall determine the amount of compensation according to the provisions of the Act and shall decide the dispute, if any, as to the apportionment of the amount of compensation or any part thereof or as to the persons to whom the same or any part thereof is payable. After determining the compensation and deciding the dispute, if any, the Compensation Officer shall make an order accordingly.

(4) A copy of the Order under sub-rule (1) or (3) shall be sent to the applicant.

5. (1) Where the amount of compensation determined under these rules is in respect of matters other than rent the Compensation Officer shall make an order assessing such amount and shall direct the same to be paid to the person in whose favour the order has been made under rule 4 within such reasonable time as the Compensation Officer may in each case specify in such order.

(2) Where the amount of compensation determined under these rules is in respect of rent only, the State Government may direct the tenant to pay the amount of rent direct to the person in whose favour the order has been made under rule 4.

6. If the total amount of compensation assessed under these rules in respect of land referred to in section 8 does not exceed (*a*) Rs. 250, in areas within the limits of a Municipality, and (*b*) Rs. 150, elsewhere, no appeal shall lie under sub-section (*3*) of section 8.

7. (1) The amount of court fee payable on a memorandum of appeal under sub-section (*3*) of section 8 of the Act shall be at the rate of 5 per centum on the amount computed according to the difference between the amount awarded and the amount claimed by the appellant.

(2) The memorandum of appeal under clause (*b*) of sub-section (*2*) of section 9 shall bear a court fee of rupees five.

FORM A.

Form of Application.

(1) Full name of Applicant.

(2) Full Residential Address.

(3) Premises/Land under requisition in respect of which compensation is claimed.

(4) Date of requisition and details of requisition Order. (Such as No. and Date, etc.).

(5) Evidence of individual or Joint ownership of the aforesaid premises/land. (Documents to be produced).

(6) Whether the said premises/land is owned individually ; if so, the full name of the landlord and his present address.

(7) Whether the said premises/land is owned jointly by more than one landlord ; if so, their names and full residential addresses.

(8) The standard rent per month received by the landlord in respect of the aforesaid requisitioned premises/land during the past ten years.

(9) If the premises/land were not rented in the preceding year what rent is now proposed for the same and the justification thereof.

(10) The total area of the requisitioned premises/land showing details of each room, verandah, gallery, etc., and other facilities attached to the premises /land.

(11) The total amount of compensation now claimed under separate items such as rent, etc., to be mentioned in details indicating separately whether (*a*) recurring per month or per year, or (*b*) non-recurring.

I/We hereby solemnly declare that the above information is correct to the best of my/our knowledge.

Date.....

Signature of Landlord/s. Signature of the Claimant applicant/s.

FORM B.

MEMORANDUM OF AGREEMENT made this.....day of.....One thousand nine hundred and forty.....BETWEEN.....by caste.....by occupation.....at present residing at.....hereinafter referred to as the owner/owners (which expression shall unless excluded by or repugnant to the context be deemed to include his/their respective heirs, executors, administrators and assigns) of the one part and THE GOVERNOR OF BOMBAY (hereinafter referred to as " the Government " which expression shall unless excluded by or repugnant to the context be deemed to include his successors and assigns) of the other part.

WHEREAS the owner/s is/are seized and possessed of or otherwise well and sufficiently entitled to the premises/land situate lying and being at.....and more particularly described in the Schedule hereunder written (hereinafter called " the said property ").

AND WHEREAS the said property has been requisitioned under the Bombay Land Requisition Act, 1948 (hereinafter referred to as the said Act) and on the .....day of..... 195 have been taken possession of by or on behalf of or under the authority of the Government ;

AND WHEREAS the owner/owners has/have represented to and informed the Government that the owner/owners alone is/are entitled to the compensation payable in respect of the said property and that no other person has any right to such compensation or any part thereof ;

AND WHEREAS the Government has agreed to pay the said compensation to the owner/s on the terms and conditions hereinafter appearing.

AND WHEREAS the amount of compensation payable by the Government to the owner/owners in respect of the said property has been fixed at Rs. ..... by the Compensation Officer authorised in that behalf under section 8 (*1*)/*9* (*2*) (*b*) of the said Act.

NOW THIS AGREEMENT WITNESSETH as follows :—

1. The Government or on its behalf the tenant who has been given possession on the said property shall pay and the owner/owners shall accept and receive a sum of

Rs. ..... in full settlement of the compensation for the said property. per month as compensation for the use of the said property so long as it continues under requisition.

2. The owner/owners shall not claim or be entitled to any other compensation whatsoever in connection with the said requisition excepting the compensation if any to which the owner/owners may be entitled to under section 9 of the said Act.*

3. The owner/s shall indemnify and keep harmless the Government against all distresses, actions, proceedings, claims, costs, damages and expenses which may be levied, brought, made or incurred against the Government or which the Government may sustain or by reason of the Government or the tenant on behalf of Government having paid the said amount of compensation to him/them. Government may without prejudice to any other rights, powers or remedies of Government recover such amount from the owner/s as an arrear of land revenue.

4. All questions or differences whatsoever which may at any time hereafter arise between the parties hereto or their respective representatives touching these presents or the construction hereof or as to any other matter in anywise arising out of or connected with the subject-matter of these presents, the same shall be referred to the Compensation Officer whose decision shall be final and binding on the parties hereto.

5. The Government shall bear the stamp duty payable in respect of this agreement and its duplicate.

SCHEDULE.

(Particulars and description of property requisitioned.)

IN WITNESS WHEREOF.....the owner abovenamed has set his hand and the .....hath for and on behalf of the Governor of Bombay set his hand and the seal of his office hereto the day and year first above written.

SIGNED AND DELIVERED BY
Esquire,
abovenamed (owner) in the
presence of
(1)
(2)

SIGNED SEALED AND DELIVERED BY
Esquire,
in the presence of—
(1)
(2)

*To be deleted when compensation is claimed under section 9

G. N., H. & L. G. D., No. 0931/5788-N, dated 28th July 1948 (B. G., Pt. I, p. 3566).

S. 19 (2)

Bomba Land Requisition (Exemption) Rules, 1948.

Amended by G. N., H. & L. G. D., No. O. 1541/9086/N, dated 5th November 1948.

In exercise of the powers conferred by clause (*iv*) of sub-section (*2*) of section 19 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to make the following rules, namely :—

1. These rules may be called the Bombay Land Requisition (Exemption) Rules, 1948.

2. In these rules, the Act means the Bombay Land Requisition Act, 1948.

3. The lands used for the purposes of public religious worship shall be exempt from the provisions of sections 5 and 6 of the Act.

4. The buildings specified in the first column of the Schedule hereto appended are exempted from the provisions of he section or sections of the Act specified against them in the second column on the terms and conditions specified against them in the third column of the said Schedule.

5. If any of the terms and conditions specified in rule 4 are not complied with, the State Government may withdraw the exemption granted under rule 4. The decision of Government shall be final.

6. The State Government may by order direct that any power or duty which by these rules or the schedule thereto is conferred or imposed upon the State Government shall be exercised or discharged by such officer as may be specified in such order.

The Schedule.

Description of Buildings exempted.	Section or sections of the Act from which exempted.	Terms and Conditions of exemption.
1	2	3
1. Buildings owned by a Co-operative Housing Society or the members thereof under the by-laws of the society.	5 and 6 ...	(1) The premises may be occupied by the members owning the same or may be let to members of the Society in accordance with the by-laws of the society. (2) No premises shall be kept vacant for more than one month. If any premises remain vacant for a longer period, the vacancy shall be reported within seven days of the expiry of the month to the officer authorised under section 6 of the Act.

Description of Buildings exempted.	Section or sections of Act from which exempted.	Terms and Conditions of exemption.
	2	3
		(3) Where premises are let under clause (1) to another member of the society after the date of the coming into operation these rules, an intimation shall be given to the officer authorised under section 6 of the Act within seven days from the date of letting the premises, giving particulars regarding the premises including the name and date of leaving of the outgoing tenant and the name and date of occupation of the incoming tenant.
2. Buildings owned by or vesting in Charitable Societies, Trusts or such other Agencies for providing cheap housing.	5 and 6	(1) The landlord of the building shall apply to Government for exemption giving *inter alia* the following particulars :— (*i*) Name and address of the landlord. (*ii*) The full description of the premises including accommodation and rent. (2) The actual rent charged shall be substantially less than the economic rent of the premises. (3) The landlord shall draw up allotment rules and submit them to Government for approval. All allotments of accommodation shall be made according to the rules approved by Government. (4) No premises shall be kept vacant for more than one month. If any premises remain vacant for a longer period, the vacancy shall be reported within sever days of the expiry of the month to the officer authorised under section 6 of the Act. (5) The exemption may be refused in any case by Government without assigning ary reasor. The decision of Governmet shall be final.

Description of Buildings exempted.	Section or sections of Act from which exempted.	Terms and Conditions of exemption.
1	2	3
3. Buildings newly erected or reconstructed by the landlord for his own use as residence.	6 ...	(1) If the landlord occupies the premises so erected or reconstructed, he shall vacate the other residential accommodation held by him, if any. (2) Where the landlord vacates accommodation under clause (1), he shall send an intimation to the officer authorised under section 6 of the Act within seven days of his doing so, giving the particulars of the accommodation held by him including the area and the rent, if any, of the accommodation.
4. Buildings newly erected or reconstructed by employers for the *bona fide* use of their employees	6 ...	(1) The employer shall draw up allotment rules and submit them to Government for approval. All allotments of accommodation shall be made according to the rules approved by Government. (2) If any premises remain vacant for more than one month, the vacancy shall be reported within seven days of the expiry of the month to the officer authorised under section 6 of the Act.
5. Buildings newly erected or reconstructed where allotment of accommodation proposed by the landlord is in the opinion of Government reasonable and *bona fide*.	...	(1) The landlord shall apply to Government for exemption. (2) The exemption may be granted in respect of premises proposed to be allotted to the parents, sons, daughters or other near relatives of the landlord, provided the accommodation proposed is in the opinion of Government reasonable. (3) The exemption may also be granted in respect of premises proposed to be allotted to other persons acquainted with the landlord if Government is satisfied that the proposal is *bona fide* and that the accommodation proposed is reasonable. (4) The exemption may be refused in any case by Government without assigning any reason. The decision of Government shall be final.